

LABEL, IN PART: "Caldwell's Mayonnaise Contains Oil * * * Made by Caldwell's Cafeteria, Columbia, S. C. Distributed by Dixie Produce Co., Columbia, S. C. * * * Made With Mineral Oil."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the 29-case-lot contained 65 percent, and the 86-case-lot contained 55 percent, of added mineral oil, a deleterious substance, which may have rendered the product injurious to health; and, Section 402 (b) (2), mineral oil had been substituted in whole or in part for edible oil, a normal constituent of mayonnaise.

DISPOSITION: On April 6, 1946, Fraley's Food Fair, Statesville, N. C., claimant, filed an answer admitting the presence of mineral oil, but denying the adulteration charge, and denying specifically that mineral oil is a deleterious substance, and denying further that vegetable oil is the only normal constituent of mayonnaise. Subsequently, counsel for the Government and the claimant entered into a stipulation, waiving trial by jury and agreeing that the only question that would be tried would be "Is mineral oil, when contained in mayonnaise in the proportions set forth in the libel, a deleterious substance which may render the mayonnaise injurious to health?"

On July 10, 1946, the case came on for trial before the court on the pleading, stipulation of facts, and affidavits filed on behalf of the Government and claimant. The court, after hearing the evidence, found the product adulterated as charged, condemned the product, and ordered it destroyed.

11483. Adulteration of mayonnaise. U. S. v. 18 Jars * * *. (F. D. C. No. 20738. Sample No. 65545-H.)

LIBEL FILED: On or about August 27, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about December 4, 1945, and March 5, 1946, by the Waldorf Food Products Co., from Philadelphia, Pa.

PRODUCT: 18 1-gallon jars of mayonnaise at Vineland, N. J.

LABEL, IN PART: "Waldorf Pure Mayonnaise Composed of egg yolk, salad oil, sugar, vinegar and spices."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained approximately 79 percent of added mineral oil, a deleterious substance, which may have rendered the product injurious to health; Section 402 (b) (1), a valuable constituent, an edible vegetable oil, had been in whole or in part omitted from the article; Section 402 (b) (2), a product containing mineral oil had been substituted wholly for mayonnaise, which contains edible vegetable oil and does not contain mineral oil; and, Section 402 (b) (4), mineral oil had been added to the product or mixed with it so as to reduce its quality or strength.

DISPOSITION: September 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11484. Adulteration of Merry-Maise (salad dressing). U. S. v. 144 Cases, etc. (and 5 other seizure actions). Cases consolidated. Tried to the court and jury; verdict for the Government. Decrees of condemnation and destruction. (F. D. C. Nos. 20571, 20739, 20786, 20997, 21011, 21219. Sample Nos. 11756-H, 57128-H, 57129-H, 57340-H, 57358-H, 57359-H, 57561-H, 57563-H, 57575-H, 57576-H.)

LIBELS FILED: Between the dates of July 31 and October 7, 1946, District of Maine and District of New Hampshire.

ALLEGED SHIPMENT: Between the approximate dates of June 11 and August 21, 1946, by the Suzanne Processed Oil Co., from Boston, Mass.

PRODUCT: Merry-Maise. 144 cases at Portland, Maine, 51 cases at Rockland, Maine, and 150 cases at Manchester, N. H. Each case contained from 4 to 24 jars of the product in gallon, quart, pint, and half-pint sizes.

LABEL, IN PART: (Jars) "Non-Nutritive Dressing for Salads for weight reducing diets Suzanne Merry-Maise."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the various lots of the article contained approximately 77 percent added mineral oil, a deleterious substance, which may have rendered the product injurious to health.

DISPOSITION: The Suzanne Processed Oil Co. appeared as claimant in each of the libel actions, filed answers denying the charges of adulteration, and demanded a jury trial of all issues of fact. The claimant requested removal of the two Maine actions to the District of New Hampshire for consolidation with